

FIFTEENTH DAY.

(Monday, January 31, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Aiken.	Laird.
Baker.	Laney.
Baldwin.	Lauderdale.
Barker.	Lawrence.
Barrett of Bell.	Leslie.
Beasley	Lindsey.
of Hopkins.	Looney.
Beasley	McDaniel.
of McCulloch.	McFarlane.
Beavens.	Malone.
Black, O. B.,	Martin.
of Bexar.	Mathes.
Black, W. A.,	Menking.
of Bexar.	Merriman.
Bonham.	Miller of Parker.
Branch.	Morgan.
Bryant.	Moore.
Burmeister.	Morris of Medina.
Carpenter.	Morris
Childers.	of Montague.
Chitwood.	Mott.
Coffee.	Neblett.
Cox.	Neinast.
Crawford.	Owen.
Crumpton.	Patman.
Cummins.	Perkins
Darroch.	of Cherokee.
Davis, John E.,	Perkins of Lamar.
of Dallas.	Perry.
Davis, John,	Pollard.
of Dallas.	Quicksall.
Duffey.	Rice.
Duncan.	Rogers of Harris.
Edwards.	Rogers of Shelby.
Estes.	Rosser.
Fly.	Rountree.
Fugler.	Rowland.
Garrett.	Satterwhite.
Greer.	Shearer.
Hall.	Sims.
Hanna.	Smith.
Hardin.	Stephens.
Harrington.	Stevenson.
Harrison.	Stewart of Reeves.
Henderson	Swann.
of Marion.	Sweet of Brown.
Hendricks.	Sweet of Tarrant.
Hill.	Teer.
Johnson	Thomas
of Gillespie.	of Limestone.
Johnson of Ellis.	Thomason.
Johnson	Thompson
of Wichita.	of Harris.
Kacir.	Thompson
Kellis.	of Red River.
King.	Thorn.
Kveton.	Thrasher.
Lackey.	Veatch.

Wadley.
Walker.
Wallace.
Webb.
Wessels.

West.
Williams
 of McLennan.
Williams
 of Montgomery.

Absent.

Bass.
Binkley.

Pool.
Pope.

Absent—Excused.

Adams.
Barrett of Fannin.
Brady.
Brown.
Burkett.
Burns.
Curtis.
Dinkle.
Faubion.
Grissom.
Henderson
 of McLennan.
Horton.
Jones.
McCord.

McKean.
McLeod.
Marshall.
Melson.
Miller of Dallas.
Quaid.
Quinn.
Schweppe.
Seagler.
Sneed.
Stewart
 of Edwards.
Westbrook.
Wright.

A quorum was announced present.
Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Burkett for this week and Mr. Sneed for Monday, Tuesday and Wednesday, on motion of Mr. Fly.

Mr. Melson for today and tomorrow and Mr. Dinkle indefinitely, on motion of Mr. Beasley of Hopkins.

Mr. Faubion for today, on motion of Mr. Teer.

Mr. Horton for today, on motion of Mr. Laney.

Mr. McLeod for today, on motion of Mr. Lackey.

Mr. Curtis for this week and Mr. Quinn for today, on motion of Mr. Mott.

Mr. Gresham for today and tomorrow, on motion of Mr. Branch.

Mr. Adams for today, on motion of Mr. Satterwhite.

Mr. Henderson of McLennan for today, on motion of Mr. Williams of McLennan.

Mr. Burns for today, on motion of Mr. Childers.

Mr. Marshall for today and indefinitely, on motion of Mr. Crumpton.

Mr. Barrett of Fannin for Monday, Tuesday and Wednesday, on motion of Mr. Chitwood.

Mr. Jones for today, on motion of Mr. Simms.

Mr. Brown for today, on motion of Mr. Lackey.

The following members were excused indefinitely on account of sickness:

Mr. McCord on motion of Mr. Perkins of Cherokee.

Mr. Westbrook, on motion of Mr. Cummins.

Mr. Miller of Dallas, on motion of Mr. Laney.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Stephens, it was ordered that House bill No. 289 be not printed.

On motion of Mr. Cox, it was ordered that House bill No. 277 be not printed.

On motion of Mr. Morris of Montague, it was ordered that House bill No. 285 be not printed.

BILL RECOMMITTED.

On motion of Mr. Laney, by unanimous consent, House bill No. 114 was recommitted to the Committee on Municipal and Private Corporations.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Malone:

H. B. No. 308, A bill to be entitled "An Act to amend Articles 418 and 419, Chapter 1, Title 7, Revised Statutes, 1911, providing for the appointment of six bailiffs in all counties having a population of one hundred thousand inhabitants, or more, as ascertained by the last United States census, preceding the appointment of said bailiffs; prescribing the duties of said bailiffs and their oath, and declaring them to be peace officers; and providing that should more than six bailiffs be appointed that the same shall be subject to the approval of the commissioners court of said county, and providing that each of said bailiffs receive the sum of one hundred dollars per month, to be paid by the county where-in they are appointed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Greer:

H. B. No. 309, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of as much as twenty-eight thousand and less than twenty-

nine thousand, according to the last United States census, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Sneed, Mr. Walker and Mr. Wadley:

H. B. No. 310, A bill to be entitled "An Act prescribing and defining headlights and rear or tail lights to be used upon automobiles and motorcycles operated upon the highways of the State; fixing penalties for the violation of the act; providing for the issuance of injunctions for violation thereof; granting sixty days time within which to comply with the act; providing that if any provision, subdivision or part thereof shall be held without force or effect the same shall not invalidate the remaining portions of the act, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. West, Mr. Morris of Medina and Mr. Shearer:

H. B. No. 311, A bill to be entitled "An Act to abolish separate substations and the board governing them, to place them directly under the Agricultural and Mechanical College of the State of Texas in Brazos county, Texas, repealing Articles 14o, 14oo, 14p, 14pp, 14q, 14qq, 14r, 14rr, 14s, 14ss, 14t, 14tt, 14u, 14uu, 14v, 14vv, 14w, 14ww and 14x, of the Revised Civil Statutes of Texas, being all of Chapter 4, Title 2a, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. West, Mr. Morris of Medina and Mr. Shearer:

H. B. No. 312, A bill to be entitled "An Act to abolish the office of State Mining Inspector and State Mining Board, repealing Articles 5923, 5924, 5925, 5926, 5927, 5928, 5929, and 5930, Acts of 1907, page 331, Sections 14, 15, 16, 17, 18, 19, 20, and 21, and Article 7080, Revised Civil Statutes, Acts 1909, page 163, Section 21, abolishing the office of the Inspector of Mines and Mining and placing the duties of the office under the Department of Labor, and declaring an emergency."

Referred to Committee on Labor.

By Mr. West, Mr. Morris of Medina and Mr. Shearer:

H. B. No. 313, A bill to be entitled "An Act to repeal Articles 7407, 7408, 7409, and 7412, of the Revised Civil Statutes of Texas of 1911, and of the

Acts of 1909, page 469. Sections 1, 2, 3, 4 and 6, abolishing the office of the State Tax Board and transferring this department to the Comptroller of Public Accounts of the State of Texas, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Fly:

H. B. No. 314, A bill to be entitled "An Act to make fraudulent advertising a penal offense, and prescribing a penalty and making each day the same is committed a separate offense, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Melson and Mr. Beasley of Hopkins:

H. B. No. 315, A bill to be entitled "An Act abolishing the Industrial Welfare Commission of the State of Texas, repealing all appropriations for said Commission, and conferring the authority, duties, powers and functions of said Commission and of each and all the members thereof, upon the Commissioner of Labor Statistics of the State of Texas; authorizing said Commissioner of Labor Statistics to use his present appropriations for the purpose of authority, duties, powers and functions herein transferred, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Beasley of Hopkins and Mr. Melson:

H. B. No. 316, A bill to be entitled "An Act abolishing the State Mining Board of the State of Texas and conferring its authority, powers, duties, and functions and those of each and all the members thereof upon the Commissioner of Labor Statistics of the State of Texas; authorizing said commissioner to use appropriations now available to him in the exercise of authority, powers, duties and functions herein transferred; repealing appropriations now available to the State Mining Board or the members thereof, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Rosser:

H. B. No. 317, A bill to be entitled "An Act authorizing the commissioners' court of Scurry county to validate the sale of a certain block of land in the town of Snyder in this State, known as Block 25, and shown on the recorded

plat of the original town of Snyder in Scurry county of record in Book 1, at page 358, of the deed records of said county; authorizing the commissioners' court of said county to execute a deed of confirmation, without the necessity of public advertisement and public sale, and declaring an emergency."

Referred to Committee on Public Lands.

By Mr. Beasley of McCulloch:

H. B. No. 318, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 7, Acts of the Fourth Called Session of the Thirty-sixth Legislature, relating to the protection of wild birds and wild fowl of certain named counties so as to add thereto the counties of San Saba and McCulloch."

Referred to Committee on Game and Fisheries.

By Mr. Carpenter:

H. B. No. 319, A bill to be entitled "An Act to amend Chapter 44, Section 1, of the Acts of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, changing the time of holding the terms of the district court in the Twenty-third Judicial District of Texas and creating an additional term for Brazoria county."

Referred to Committee on Judicial Districts.

By Mr. Stewart of Reeves, Mr. Johnson of Wichita, Mr. Pool, and Mr. Branch:

H. B. No. 320, A bill to be entitled "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation districts and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, and which sections relate, respectively: Section 4, to the mode of appeal from an order of the commissioners court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit, and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of esuch district; Sections 80, 81, and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, provid-

ing the method of the selection of depositories of such district; and which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide respectively: Section 4, for appeals from an order of the county commissioners court in granting or refusing a petition for organization of a district, and that notice of appeal shall be given, and perfecting of appeal by filing of a bond at the time of filing same, and fixing amount of such bond, and providing that the judgment on appeal shall be certified to the commissioners court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same, suits for collecting, vesting jurisdiction in district court, and providing no limitation shall apply; Section 66, for providing the method of selling bonds of the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature by the addition of new sections 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137, which new sections provide, respectively: Section 122, for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing, and collecting taxes by districts, adopting the assessment for benefit plan of taxation: Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section

133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by county officers, and providing the method of handling same; Section 134, providing for sale of surplus water; Section 135, repealing Section 5a, Chapter 12, General Laws, Second Called Session, Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

INVITING HON. LEE BEATY AND HON. FRANK B. GUINN TO ADDRESS THE HOUSE.

Mr. Perkins of Cherokee offered the following resolution:

Whereas. It has come to our knowledge that the Hon. Lee Beaty of Caldwell county and Hon. Frank B. Guinn of Cherokee county, both of whom are former honored members of this House, are now within the bar of the House; therefore, be it

Resolved, That said gentlemen be requested to address the House and be given the privileges of the floor of the House.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. Rountree, Mr. Perkins of Cherokee and Mr. Garrett as a committee to escort Mr. Beaty and Mr. Guinn to the Speaker's stand.

The committee having performed their duty, the Speaker presented Mr. Rountree, who introduced Mr. Beaty to the House.

Mr. Beaty then addressed the House.

The Speaker then presented Mr. Perkins of Cherokee, who introduced Mr. Guinn to the House.

Mr. Guinn then addressed the House.

PROVIDING FOR CONSTITUTIONAL CONVENTION.

The Speaker laid before the House as unfinished business, for consideration at this time,

H. C. R. No. 12, Providing for a convention to frame a Constitution for the State of Texas.

The resolution having heretofore been read second time.

Mr. Williams of McLennan offered the following amendment to the resolution:

Amend the resolution so as to provide that there shall be elected two delegates from each senatorial district.

On motion of Mr. Williams of McLennan, further consideration of the resolution was postponed until 10 o'clock a. m. tomorrow.

HOUSE BILL NO. 118 ON SECOND READING.

On motion of Mr. Thomason the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 118, A bill to be entitled "An Act to put into effect the amendment to Section 3 of Article 7 of the Constitution of the State of Texas, in accordance with the will of the people as expressed by vote in the general election held on November 2, 1920."

The Speaker laid the bill before the House and it was read second time.

Mr. Thomason offered the following (committee) amendment to the bill:

Amend the bill by inserting after the word "District" and before the word "provided," in Sections Nos. 1, 3 and 5, the following:

"Said tax not to exceed, in any one year, one dollar on the one hundred dollars valuation of the property subject to taxation in such district."

The (committee) amendment was adopted.

House bill No. 118 was then passed to engrossment.

HOUSE BILL NO. 118 ON THIRD READING.

Mr. Thomason moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Aiken.	Burmeister.
Baker.	Carpenter.
Baldwin.	Childers.
Barker.	Chitwood.
Barrett of Bell.	Coffee.
Beasley	Cox.
of Hopkins.	Crawford.
Beasley	Crumpton.
of McCulloch.	Cummins.
Beavens.	Darroch.
Binkley.	Davis, John E.,
Black, O. B.,	of Dallas.
of Bexar.	Davis, John,
Bonham.	of Dallas.
Branch.	Duffey.
Bryant.	Duncan.

Edwards.	Neblett.
Estes.	Neinast.
Fly.	Owen.
Fugler.	Patman.
Garrett.	Perkins
Greer.	of Cherokee.
Hall.	Perkins of Lamar.
Hanna.	Perry.
Hardin.	Pollard.
Harrington.	Quicksall.
Harrison.	Rice.
Henderson	Rogers of Harris.
of Marion.	Rogers of Shelby.
Hendricks.	Rosser.
Hill.	Rountree.
Johnson of Ellis.	Rowland.
Johnson	Satterwhite.
of Wichita.	Shearer.
Kacir.	Sims.
Kellis.	Smith.
King.	Stephens.
Lackey.	Stevenson.
Laney.	Stewart of Reeves.
Lauderdale.	Sweet of Brown.
Lawrence.	Sweet of Tarrant.
Leslie.	Teer.
Lindsey.	Thomason.
Looney.	Thompson
McDaniel.	of Harris.
McFarlane.	Thompson
McKean.	of Red River.
Malone.	Thorn.
Martin.	Thrasher.
Mathes.	Veatch.
Menking.	Wadley.
Merriman.	Wallace.
Miller of Parker.	Webb.
Morgan.	West.
Moore.	Williams
Morris of Medina.	of McLennan.
Morris	Williams
of Montague.	of Montgomery.
Mott.	

Nays—4

Kveton.	Thomas
Swann.	of Limestone.
	Wessels.

Absent.

Bass.	Laird.
Black, W. A.,	Pool.
of Bexar.	Pope.
Johnson	Walker.
of Gillespie.	

Absent—Excused.

Adams.	Henderson
Barrett of Fannin.	of McLennan.
Brady.	Horton.
Brown.	Jones.
Burkett.	McCord.
Burns.	McLeod.
Curtis.	Marshall.
Dinkle.	Melson.
Faubion.	Miller of Dallas.
Gflossom.	Quaid.

Quinn.
Schweppe.
Seagler.
Sneed.

Stewart
of Edwards.
Westbrook.
Wright.

The Speaker then laid House bill No. 118 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—97.

Aiken.	Leslie.
Baker.	Lindsey.
Baldwin.	Looney.
Barker.	McDaniel.
Barrett of Bell.	McFarlane.
Beasley	McKean.
of Hopkins.	Malone.
Beasley	Martin.
of McCulloch.	Mathes.
Beavens.	Merriman.
Binkley.	Miller of Parker.
Black, W. A.,	Morgan.
of Bexar.	Moore.
Bonham.	Morris of Medina.
Branch.	Morris
Bryant.	of Montague.
Burmeister.	Neblett.
Carpenter.	Neinast.
Childers.	Owen.
Chitwood.	Patman.
Coffee.	Perkins
Cox.	of Cherokee.
Crawford.	Perkins of Lamar.
Crumpton.	Perry.
Cummins.	Pollard.
Darroch.	Quicksall.
Davis, John E.,	Rice.
of Dallas.	Rogers of Harris.
Davis, John,	Rogers of Shelby.
of Dallas.	Rosser.
Duffey.	Rountree.
Duncan.	Rowland.
Edwards.	Satterwhite.
Estes.	Shearer.
Fly.	Sims.
Fugler.	Smith.
Garrett.	Stephens.
Greer.	Stevenson.
Hall.	Stewart of Reeves.
Hanna.	Sweet of Brown.
Harrington.	Sweet of Tarrant.
Harrison.	Teer.
Henderson	Thomason.
of Marion.	Thompson
Hill.	of Red River.
Johnson	Thorn.
of Wichita.	Thrasher.
Kacir.	Veatch.
Kellis.	Wadley.
Lackey.	Walker.
Laney.	Wallace.
Lauderdale.	Webb.
Lawrence.	West.

Williams
of McLennan.

Williams
of Montgomery

Nays—4.

Menking.
Swann.

Thomas
of Limestone.
Wessels.

Absent.

Bass.
Black, O. B.,
of Bexar.
Hardin.
Hendricks.
Johnson
of Gillespie.
Johnson of Ellis.

King.
Kveton.
Laird.
Mott.
Pool.
Pope.
Thompson
of Harris.

Absent—Excused.

Adams.
Barrett of Fannin.
Brady.
Brown.
Burkett.
Burns.
Curtis.
Dinkle.
Faubion.
Grissom.
Henderson
of McLennan.
Horton.
Jones.

McCord.
McLeod.
Marshall.
Melson.
Miller of Dallas.
Quaid.
Quinn.
Schweppe.
Seagler.
Sneed.
Stewart
of Edwards.
Westbrook.
Wright.

Mr. Thomason moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider. The motion to table prevailed.

THANKING CITIZENS OF DENTON.

Mr. Smith offered the following resolution:

H. C. R. No. 14, Extending thanks to citizens of Denton:

Whereas, The citizens of Denton extended a cordial invitation to the members of the Thirty-seventh Legislature to visit that splendid city on January 29, 1921, and inspect personally two of the State's most valued educational institutions located there, namely, the College of Industrial Arts and the North Texas Normal; and

Whereas, The great majority of the Senators and Representatives responded to the invitation; therefore be it

Resolved by the House of Representatives, the Senate concurring, That we express to the citizens of Denton our most hearty and sincere thanks and appreciation for their unstinted, open-hearted hospitality extended to us while in their good city.

Resolved further, That we congratulate Dr. F. M. Bralley, president of the College of Industrial Arts, and Dr. W. H. Bruce, president of the North Texas State Normal, and the splendid faculty of both institutions and the great student body for their great work being done which means so much to our State.

Resolved further, That we extend our appreciation to Mr. R. Wynn, division superintendent of the M., K. & T. Ry. Co., and Mr. Geo. Bendetti, ticket agent in Austin, and the entire train crew, including the dining car service, for they put us in Denton exactly on time, and we arrived back in Austin on time, and not an incident occurred to mar the pleasure of the trip.

Resolved further, That we express our appreciation of the way in which the whole program was handled by Mr. L. T. Millican, who was in charge of the arrangements.

Resolved further, That we express our appreciation to Mr. E. M. Dealy, Mr. Sillman Evans, Mr. John Sneed, Mr. W. C. Grobe, and Mr. H. K. Lewis, the genial newspaper correspondents who accompanied the members of the Legislature and who gave such splendid writeups of the trip.

Resolved further, That these resolutions be spread upon the Journal and a copy of the resolution be duly signed by the Speaker of the House and the President of the Senate, and a copy be forwarded by the Chief Clerk of the House to Hon. H. V. Hennen, Mayor of Denton; Hon. John Speer, president of the Chamber of Commerce, Denton, Texas; Dr. F. M. Bralley, president of the College of Industrial Arts, Denton, Texas; Dr. W. H. Bruce, president of North Texas Normal, Denton, Texas; Mr. R. Wynn, division superintendent M., K. & T. Ry. Co., Denton, Texas; Mr. L. T. Millican, Denton, Texas.

Signed—John T. Smith, Lee Satterwhite, L. Webb, W. M. Webb, Sid Crumpton, Walker, and all other members of the House.

The resolution was read second time and was adopted unanimously.

HOUSE BILL NO. 27 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 27, A bill to be entitled "An Act to authorize the erection and maintenance of a modern apartment and rooming house on the old capitol grounds in the city of Austin, for the use, benefit and convenience of mem-

bers of the State Senate and House of Representatives, and when not in use for such purpose, to be used in such manner as to be of most use to the State of Texas."

The bill was read third time.

Mr. Darroch offered the following amendment to the bill:

Amend House bill No. 27, by adding to Section 1 the following:

"No contract for the construction of the building herein provided for shall be let before the 15th day of January, 1922."

The amendment was adopted.

Mr. Satterwhite moved to postpone further consideration of the bill until two weeks from tomorrow, and the motion was lost.

Mr. Martin offered the following amendment to the bill:

Amend House bill No. 27 by adding Section 3, the same to hereafter read as follows:

Section 3. On and after the passage of this bill it shall be the duty of the Treasurer of the State of Texas to deduct ten per cent (10%) from all warrants drawn on said department for the payment of fees and salaries of officers, agents and employes of this State and to place the same to the credit of a special fund known as the "legislative maintenance fund," the same to be appropriated for the use and benefit of the members of the Legislature, and at their will and under their direction. Provided that the provisions of this section shall not apply to the members of the Legislature.

Mr. Crumpton raised a point of order on further consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Johnson of Wichita offered the following amendment to the bill:

Amend House bill No. 27 by adding after the word "families," in line 19, page 1, the words "and accredited legislative correspondents of daily newspapers and press associations."

Mr. Rosser moved the previous question on the amendment and passage of the bill, and the main question was ordered.

Question first recurring on the amendment, it was lost.

Question then recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 27 failed to pass by the following vote:

Yeas—18.

Beasley	McFarlane.
of McCulloch.	Malone.
Beavens.	Merriman.
Binkley.	Moore.
Carpenter.	Rogers of Harris.
Cox.	Rosser.
Hill.	Smith.
Kacir.	Stewart of Reeves.
Lawrence.	Sweet of Brown.
Lindsey.	

Nays—77.

Mr. Speaker.	McKean.
Aiken.	Menking.
Baker.	Miller of Parker.
Barker.	Morgan.
Barrett of Bell.	Morris of Medina.
Black, W. A.,	Morris
of Bexar.	of Montague.
Bonham.	Neblett.
Branch.	Owen.
Bryant.	Patman.
Burmeister.	Perkins
Childers.	of Cherokee.
Chitwood.	Perkins of Lamar.
Coffee.	Perry.
Crawford.	Quicksall.
Crumpton.	Rice.
Darroch.	Rogers of Shelby.
Davis, John E.,	Rountree.
of Dallas.	Rowland.
Davis, John,	Satterwhite.
of Dallas.	Shearer.
Duffey.	Sims.
Duncan.	Stephens.
Edwards.	Stevenson.
Estes.	Swann.
Fugler.	Sweet of Tarrant.
Garrett.	Teer.
Greer.	Thomas
Hall.	of Limestone.
Hanna.	Thomason.
Hardin.	Thompson
Harrington.	of Harris.
Harrison.	Thompson
Henderson	of Red River.
of Marion.	Thorn.
Johnson	Veatch.
of Wichita.	Wadley.
Kellis.	Walker.
Lackey.	Wallace.
Laird.	Webb.
Laney.	Westbrook.
Lauderdale.	Williams
Leslie.	of McLennan.
Looney.	Williams
McDaniel.	of Montgomery

Absent.

Bass.	King.
Black, O. B.,	Kveton.
of Bexar.	Mathes.
Hendricks.	Mott.
Johnson	Pool.
of Gillespie.	Pope.
Johnson of Ellis.	West.

Absent—Excused.

Adams.	McCord.
Baldwin.	McLeod.
Barrett of Fannin.	Martin.
Beasley	Marshall.
of Hopkins.	Melson.
Brady.	Miller of Dallas.
Brown.	Neinast.
Burkett.	Pollard.
Burns.	Quaid.
Cummins.	Quinn.
Curtis.	Schweppe.
Dinkle.	Seagler.
Faubion.	Sneed.
Fly.	Stewart
Grissom.	of Edwards.
Henderson	Thrasher.
of McLennan.	Wessels.
Horton.	Wright.
Jones.	

HOUSE BILL NO. 13 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 13, A bill to be entitled "An Act to define the term 'general libel,' making it a criminal offense, prohibiting same, providing for the punishment thereof, and providing what shall and what shall not be a defense."

The bill was read second time.

On motion of Mr. John Davis of Dallas, the bill was laid on the table subject to call.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 31, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 44, A bill to be entitled "An Act to require persons owning, keeping, maintaining, controlling or managing hotels, inns, public lodging houses or places where sleeping and eating accommodations or sleeping accommodations only are furnished to the public, to post in a conspicuous place in the office the plan upon which the hotel is operated and a list of its charges for rooms, with or without meals, and to post in each room a placard giving the exact rate of that room, with and without meals; defining hotels; and providing penalties for violation of the provisions hereof, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to provide for the nomination

of candidates for judicial offices, viz.: District judge, judge of the Court of Civil Appeals, judge of the Court of Criminal Appeals and judge of the Supreme Court, by the different political parties in this State, by conventions under such rules and regulations as may be prescribed by the executive committees of said parties; repealing all laws in conflict herewith, and declaring an emergency," with engrossed riders.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

HOUSE BILL NO. 39 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 39, A bill to be entitled "An Act amending Article 832 of Title 13 of the Revised Criminal Statutes of the State of Texas, 1911, providing that if any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay the road overseer the sum of two dollars for each day he may have been notified to work on the public roads, or to pay to such road overseer the sum of two dollars and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or to comply with any duty required of him by the laws relating to work on the public roads, shall be deemed guilty of a misdemeanor; prescribing penalty for violation of this act, and declaring an emergency."

The bill was read second time.

(Mr. John Davis of Dallas in the chair.)

Mr. Patman offered the following amendment to the bill:

After the word "dollars," on line 39, page 1, add the following: "Provided that no one, liable to road duty, shall be prosecuted under this act if such person has paid to the county treasurer of the county in which said person resides, the sum of seven dollars and fifty cents (\$7.50) on or after the 1st day of October and on or before the 31st day of January preceding the year that

said person desires to be exempted from road duty."

The amendment was adopted.

(Speaker in the chair.)

Mr. Patman offered the following amendment to the bill:

After the word "Act," on line 20, page 1, add the following: "Providing that no one shall be prosecuted under this act if such person has paid to the county treasurer of the county in which he resides the sum of seven dollars and fifty cents (\$7.50) on or after the 1st day of October and on or before the 31st day of January preceding the year that said person desires to be exempted from road duty."

The amendment was adopted.

Mr. Williams of McLennan offered the following amendment to the bill:

Amend the bill by striking out the words and figures "two dollars" wherever it occurs and insert "\$1.50," and by striking out "seven fifty" by inserting in lieu thereof "five dollars."

Question—Shall the amendment be adopted?

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 70, to the Committee on Criminal Jurisprudence.

Senate bill No. 44, to the Committee on Criminal Jurisprudence.

ASKING FOR ENFORCEMENT OF HOUSE RULES.

Mr. Darroch offered the following resolution:

Whereas, The Rules of the House, Section 3 of Rule 27, page 127 of the House Manual, provide that no person, whether a State officer or not (except the Governor) who is working for or against any measure pending or prospective, shall be permitted on the floor of the House; and

Whereas, This rule has been and is being violated by members of commissions and heads of departments and departmental employes who appear upon the floor of this House for the purpose of lobbying with members, thereby taking their time and attention from pending business; and

Whereas, Said practice is wisely condemned by the Rules of this House; therefore, be it

Resolved by the House of Representatives, That we desire a strict enforce-

ment of this rule, and that the Sergeant-at-Arms exercise diligence in the enforcement of the same.

The resolution was read second time and was adopted.

RECESS.

On motion of Mr. Owen, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 39 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 39, providing penalty for failure to work on roads, with amendment by Mr. Williams of McLennan pending.

On motion of Mr. Owen, the amendment was tabled.

Mr. Greer offered the following amendment to the bill:

Amend H. B. No. 39, line 30, after the words "two dollars," "or such amount as the commissioners' court setting the first day in February of each year in each county shall set as the value of one day's labor for that year in that county."

Signed—Greer, Edwards.

Mr. Lawrence raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker overruled the point of order.

On motion of Mr. Owen, the amendment was tabled.

Mr. Rosser moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 39 was then passed to engrossment.

Mr. Lawrence moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 46 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act to amend Section 3 of Chapter

73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Thirty-sixth Legislature, providing that the tax collector of each county shall transmit on Monday of each week, to the State Highway Department, fifteen per cent of the gross registration, chauffeur and transfer fees during the preceding week, and deposit the remaining eighty-five per cent in the county depository to the credit of the road and bridge fund of the county, to be expended by the commissioners' court as is now, providing that all license fees collected on commercial and interurban commercial motor vehicles on a mileage basis shall be the property of the respective counties and be distributed in proportion to the mileage traveled in each county, and declaring an emergency and also amending Section 5, Chapter 190, Acts of the Regular Session of the Thirty-sixth Legislature so as to provide that all salaries of employees of the State Highway Department, including engineer, shall be fixed by the Legislature."

The bill was read second time.

On motion of Mr. Darroch, the bill was laid on the table, subject to call.

HOUSE BILL NO. 51 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 51, A bill to be entitled "An Act to prevent confessions from defendants in jail being obtained by force, or by the third degree, or by fraudulent means; and to render all such confessions inadmissible in evidence."

The bill was read second time.

On motion of Mr. Rogers, the bill was laid on the table, subject to call.

HOUSE BILL NO. 58 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 58, A bill to be entitled "An Act to amend Article 325, Title 12, of the Revised Civil Statutes of 1911, so as to permit proceedings under said article regardless of indictment, criminal prosecution or conviction for any of the matters therein named."

The bill was read second time.

On motion of Mr. Hall, the bill was laid on the table, subject to call.

HOUSE BILL NO. 59 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 59, A bill to be entitled "An Act to amend Articles 865h, 865c, 865d, 865e, 865f, 865g and 8865h, and 865i, Chapter 3, Code of Criminal Procedure of the State of Texas, passed by the Thirty-third Legislature of the State of Texas at the Regular Session thereof and approved February 11, 1913; to provide for the suspension of sentence in certain cases of conviction of a felony for first offense, upon recommendation of the jury; for the submission of the issue to the jury by the court; to provide the duration of the suspension of sentence; for pronouncing sentence after suspension thereof in case of final conviction of the defendant of any other felony or of the crime of theft of property of the value of under fifty dollars or of embezzlement of property of the value of under fifty dollars; for the cumulation of punishment in such cases; for the granting of a new trial after suspension; the dismissal of the case in certain events after suspension; to repeal all laws and parts of laws in conflict herewith, and providing for an emergency."

The bill was read second time.

Mr. Perkins of Cherokee moved to postpone further consideration of the bill until Thursday, February 10, and the motion was lost.

On motion of Mr. Cox, the bill was recommitted to the Committee on Criminal jurisprudence.

HOUSE BILL NO. 62 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 62, A bill to be entitled "An Act authorizing the commissioners' courts of Texas to fix the compensation of the tax assessors of their respective counties for assessing and making the tax rolls of that part of any improvement district lying within the city limits of cities having a population of more than 75,000 inhabitants, at a sum not to exceed the amount allowed by general law for like services in assessing State and county taxes, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 68 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act to amend Section 1, Chapter 16, being an act of the Regular Session of the Thirty-fifth Legislature, 1917, as amended by Chapter 58, being an act of the Regular Session of the Thirty-fifth Legislature, 1917, relating to the creation of a juvenile board within certain counties of the State, and prescribing the duties and powers of such board, including the appointment by it of probation officers, and providing for the payment of compensation to such officers; allowing the said district judges an additional salary, to be paid out of the general fund of such county, and declaring an emergency."

The bill was read second time.

On motion of Mr. Pool, further consideration of the bill was postponed until next Wednesday, February 2.

HOUSE BILL NO. 72 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act prohibiting the operation of a corporation for the dual purpose of owning, controlling or operating any cotton seed oil mill, and of owning, controlling or operating any public cotton gin; also prohibiting any corporation chartered for the purpose of operating any cotton seed oil mill from owning, controlling or operating, directly or indirectly, any public cotton gin in this State; and also prohibiting any corporation, chartered for the purpose of operating any packing house, from owning, controlling or operating, directly or indirectly, any public cotton gin in this State, or any cotton seed oil mill in this State, or from owning, directly or indirectly, any interest in any public cotton gin or any cotton seed oil mill in this State; providing suitable penalties, forfeitures, and procedure for enforcing this act; prohibiting any interference with or restriction of competition in the sale, handling or marketing of cotton seed; fixing the time for compliance with the provisions of this act; prohibiting domestic and foreign corporations having no legal authority or permit to do a ginning business or cotton seed oil business, to be in any manner engaged in, or in any manner in-

terested therein in this State, or to own stock or any interest in any corporation, foreign or domestic, or joint stock association or partnership so engaged; providing penalties, punishment and procedure for all corporations and persons violating this act; defining the terms 'cotton seed oil mill,' 'public cotton gin,' and 'packing house,' and declaring an emergency."

The bill was read second time.

On motion of Mr. Garrett, the bill was laid on the table, subject to call.

HOUSE BILL NO. 81 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 81, A bill to be entitled "An Act to amend Articles 4600 and 4601, Chapter 7, Title 66, of the Revised Civil Statutes of Texas, 1911 (being Articles 784 and 785 of the Revised Criminal Statutes of Texas, 1911), relating to fees to be paid by applicants for licenses as embalmers and the annual fees to be paid by registered embalmers; to provide a penalty for the violation thereof or the failure to pay such fees, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 84 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 84, A bill to be entitled "An Act to amend Article 2925 and Article 2926, Title 49, Chapter 2, Revised Civil Statutes of Texas, relating to the compensation of election judges and clerks."

The bill was read second time.

Mr. Darroch offered the following (committee) amendment to the bill:

Section 1. That Articles 2925 and 2926, Revised Civil Statutes of Texas, be amended so as hereafter to read as follows:

Article 2925. Compensation of Judges and Clerks. Judges and clerks of general and special elections shall be paid three dollars a day each; and the judge who delivers the returns of election immediately after the votes have been counted shall be paid two dollars for that service, provided the polling place of his precinct is at least two miles from the court house, and pro-

vided also he shall make returns of all election supplies not used when he makes return of the election. Ten working hours shall be considered a day within the meaning of this Article.

Article 2926. Payment of Compensation. The compensation of judges and clerks of general and special elections shall be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners' court of such county.

Strike out Section 2.

Renumber Section 3 as Section 2.

The (committee) amendments were adopted.

House bill No. 84 was then passed to engrossment.

HOUSE BILL NO. 91 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 91, A bill to be entitled "An Act to amend Sections 1 and 7 (designated in the caption of the act to be amended as Sections 1494a and 1494f of Chapter 2 of Title 29 of the Revised Statutes of 1911) of Senate bill No. 6, passed at the Regular Session of the Thirty-fourth Legislature, entitled 'An Act to amend Chapter 2 of Title 29 of the Revised Statutes of 1911, by adding thereto Articles 1494a, 1494b, 1494c, 1494d, 1494e, 1494f, 1494g, 1494h and 1494j, so as to place the finances of all improvements, navigation, drainage, road or irrigation districts, and all other districts that are now in existence by authority of law, or that may hereafter be created, under the control and supervision of the county auditor, in all counties containing a population of one hundred and ten thousand or more, as shown by the United States census of 1910, in which there now exists a county auditor, or in which a county auditor may hereafter be created, and providing for the filing, auditing and approving by him of all bills of said districts, and providing a method of drawing and paying said warrants, and providing for the prescribing of all necessary forms and the supervision by the auditor of the various funds of said districts, etc., and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

On motion of Mr. Malone, the bill was laid on the table, subject to call.

HOUSE BILL NO. 95 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 95, A bill to be entitled "An Act to provide for surety companies to become surety on the official bond of any officer of the State, or any county, precinct or other political subdivision of a county, and to provide for the payment of the premium to such surety company by the State, county or political subdivision for the benefit and protection of which such bond is required to be made, and repealing all laws in conflict therewith."

The bill was read second time.

Mr. Williams of McLennan offered the following amendment to the bill:

Amend House bill No. 95, line 24, by striking out the words "shall be paid by the State."

Mr. Perkins of Cherokee offered the following substitute for the amendment:

Amend House bill 95 by striking out all of Section 1, beginning with and including the word "and." in line 21.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—50.

Aiken.	Martin.
Barker.	Miller of Parker.
Barrett of Bell.	Morris
Beasley	of Montague.
of McCulloch.	Neblett.
Branch.	Owen.
Childers.	Patman.
Cox.	Perkins
Crumpton.	of Cherokee.
Davis, John E.,	Perkins of Lamar.
of Dallas.	Perry.
Duffey.	Rice.
Edwards.	Rogers of Shelby.
Estes.	Rowland.
Fugler.	Satterwhite.
Greer.	Stephens.
Hanna.	Swann.
Hardin.	Sweet of Brown.
Harrington.	Sweet of Tarrant.
Henderson	Thomas
of Marion.	of Limestone.
Hill.	Thompson
Kacir.	of Red River.
Kellis.	Thorn.
Laird.	Veatch.
Lauderdale.	Wadley.
Lawrence.	Wallace.
Leslie.	Williams
McDaniel.	of McLennan.

Nays—45.

Mr. Speaker.	Lackey.
Baker.	Looney.
Beavens.	McKean.
Binkley.	Malone.
Black, O. B.,	Mathes.
of Bexar.	Menking.
Black, W. A.,	Merriman.
of Bexar.	Morgan.
Bonham.	Moore.
Bryant.	Mott.
Burmeister.	Quicksall.
Carpenter.	Rogers of Harris.
Chitwood.	Rosser.
Coffee.	Shearer.
Crawford.	Smith.
Darroch.	Stevenson.
Davis, John,	Stewart of Reeves.
of Dallas.	Teer.
Duncan.	Thomason.
Garrett.	Thompson
Hall.	of Harris.
Hendricks.	Walker.
Johnson of Ellis.	West.
Johnson	Williams
of Wichita.	of Montgomery.
King.	

Absent.

Bass.	Morris of Medina.
Harrison.	Pool.
Johnson	Pope.
of Gillespie.	Rountree.
Laney.	Sims.
Lindsey.	Webb.
McFarlane.	

Absent—Excused.

Adams.	Kveton.
Baldwin.	McCord.
Barrett of Fannin.	McLeod.
Beasley	Marshall.
of Hopkins.	Melson.
Brady.	Miller of Dallas.
Brown.	Neinast.
Burkett.	Pollard.
Burns.	Quaid.
Cummins.	Quinn.
Curtis.	Schweppe.
Dinkle.	Seagler.
Faubion.	Sneed.
Fly.	Stewart
Grissom.	of Edwards.
Henderson	Thrasher.
of McLennan.	Wessels.
Horton.	Westbrook.
Jones.	Wright.

Mr. Perkins moved to reconsider the vote by which the substitute was adopted and to table the motion to reconsider.

The motion to table prevailed.

The amendment as substituted was then adopted.

Mr. Carpenter offered the following amendment to the bill:

Amend House bill No. 95 by striking out Section 2 in toto.

The amendment was adopted.

Mr. Teer moved to postpone further consideration of the bill indefinitely.

Mr. Williams of McLennan moved to table the motion to indefinitely postpone and the motion to table was lost.

Question then recurring on the motion to indefinitely postpone the bill, it prevailed.

HOUSE BILL NO. 96 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 96, A bill to be entitled "An Act to amend Title 29 of the Revised Statutes of the State of Texas, and Chapter 2 thereof, and Articles 1467a, 1468, and 1476 thereof, and Chapter 134 of the General Laws of the Regular Session of the Thirty-fifth Legislature, page 339 thereof, providing more fully for placing common and independent school district accounts thereof, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 99 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 99, A bill to be entitled "An Act to amend Section 31, Chapter 157, of an act relating to the protection of wild game, birds, etc., passed at the Regular Session of the Thirty-sixth Legislature and known as House bill No. 457, by adding to said Section 31 the prohibiting of hunting deer with dogs."

The bill was read second time.

Mr. Thomason offered the following amendment to the bill:

Amend House bill No. 99 by adding after the word "dogs" in line 15, page 1, the following: "in Brazoria and Matagorda counties."

Mr. Perkins of Cherokee offered the following substitute for the amendment:

Amend House bill No. 99 by adding after the word "imprisonment," on line 24, the following: "Provided this act shall not apply to Cherokee, Angelina, San Augustine, Houston, Nacogdoches, Hardin, Tyler, Liberty, Red River and Anderson counties, in so far as the hunting of deer with dogs is prohibited."

Amend caption to conform to amendment.

Signed—Perkins of Cherokee, Laird, Rice, Lindsey, Thomason, Thompson of Red River, and Seagler.

On motion of Mr. Williams of McLennan, further consideration of the bill was postponed until February 14.

HOUSE BILL NO. 103 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 103, A bill to be entitled "An Act amending Article 5694, Title 87, Chapter 2, relating to limitations of vendor's liens and implied liens in real estate and barring same in four years from maturity."

The bill was read second time.

On motion of Mr. Owen, further consideration of the bill was postponed until next Wednesday, February 2.

HOUSE BILL NO. 105 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 105, A bill to be entitled "An Act to amend Section 1, Chapter 68 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, entitled 'An Act to amend Article 1143, Chapter 3, Title 15 of the Code of Criminal Procedure, as amended by Chapter 20 of the Acts of the State of Texas, relating to the pay of jail guards and matrons,' and declaring an emergency."

The bill was read second time.

Mr. Owen offered the following amendment to the bill:

Strike out in lines 24 and 25, page 1, the words "Forty thousand or more," and insert in lieu thereof the words "Sixty thousand or more."

Mr. Baker offered the following substitute for the amendment:

Amendment to strike out from line 24. Section 2, the word "forty" and insert the word "thirty."

Question first recurring on the substitute, it was lost.

Question next recurring on the amendment, it was lost.

Mr. Burmeister offered the following amendment to the bill:

Amend the bill by inserting "2.50" instead of "1.50."

The amendment was adopted.

House bill No. 105 was then passed to engrossment.

Mr. O. B. Black of Bexar moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 213 ON SECOND READING.

On motion of Mr. Morgan, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 213, A bill to be entitled "An Act to regulate and make sanitary buildings and rooms used and occupied as a bakery, for the manufacture of bakery products; providing for pure and wholesome ingredients of bakery products, and the cleanliness of receptacles used in the handling of same; prohibiting the use of impure materials; fixing the weight of a loaf of bread; fixing a penalty for the violation of any provision thereof, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Morgan offered the following amendment to the bill:

Amend House bill 213, Section 4, line 39, by adding after the word "health" the following: "the stamping of any printed matter on a loaf of bread shall be deemed to be an adulteration."

The amendment was adopted.

House bill No. 213 was then passed to engrossment.

HOUSE BILL NO. 107 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 107, A bill to be entitled "An Act levying an occupation tax on circus shows, carnival companies, wild west shows, trained animal shows, amusement companies and other aggregations giving similar exhibitions in this State; specifying the tax to be paid and reports to be made, and the duty of the Comptroller and tax collector; prescribing penalties; repealing Sections 14, 15 and 16 of Article 7355, Revised Civil Statutes of 1911, and declaring an emergency."

The bill was read second time.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend House bill No. 107 by striking out in line 24, on page 1, the words "if more than fifty cars or trucks are used they shall," and strike out all of line 25, page 1.

The (committee) amendment was adopted.

Mr. Lackey offered the following (committee) amendment to the bill:

Omitting all after words "carnival companies" in the twentieth line, Section 1, and ending at the period in twenty-fourth line, Section 1, and the following in lieu thereof:

"Shall pay to the State of Texas an occupation tax of one dollar and twenty-five cents per day on each car or truck used, excluding cars used exclusively for advertising purposes."

The (committee) amendment was adopted.

House bill No. 107 was then passed to engrossment.

Mr. Smith moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 115 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 115, A bill to be entitled "An Act to amend Article 7383, Revised Civil Statutes of the State of Texas, 1911, as amended by Acts of the Regular Session of the Thirty-sixth Legislature, Chapter 77, approved March 17, 1919, and found on pages 128, 129 thereof, requiring each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or Territory or of the United States or any foreign country, which owns, controls, manages or leases any oil well within the State to make quarterly, on the first days of January, April, July and October of each year a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter; and providing that said individuals, companies, corporations and associations at the time of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three (3) per cent of the total amount of all oil produced at the average market value thereof as shown by the report, the purpose of this amendment being to require three (3) per

cent occupation tax in lieu of one and one-half per cent (1 1-2), and that the money obtained from the one and one-half per cent (1 1-2) additional tax shall go to the available school fund, and declaring an emergency."

The bill was read second time.

Mr. Coffee moved to postpone further consideration of the bill until 4:30 o'clock p. m. today.

On motion of Mr. Hall, further consideration of the bill was postponed until next Wednesday, February 2.

HOUSE BILL NO. 120 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 120, A bill to be entitled "An Act providing that persons, firms or corporations who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State, shall not employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms or corporations or common carriers operating places heretofore named or operating any bakery or meat market, shall have made a medical inspection for all their employees at intervals of time of not more than six months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease that such person shall promptly be discharged from such employment; and further providing that all dishes, receptacles or other utensils used in eating or drinking, or for the conveyance of articles of food, shall be thoroughly cleansed since used by another person, and prohibiting the use of dishes, receptacles or other utensils that are cracked or broken in such a manner as to render their sterilization impossible or doubtful, and providing penalties for a violation of the provisions of this act, and declaring an emergency."

The bill was read second time.

On motion of Mr. Carpenter, the bill was laid on the table, subject to call.

HOUSE BILL NO. 139 ON SECOND READING.

On motion of Mr. Rogers, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 139, A bill to be entitled

"An Act to amend Section 61 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the district court of the Sixty-first Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time, and passed to engrossment.

HOUSE BILL NO. 65 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 65, A bill to be entitled "An Act to amend Chapter 75, pages 140 and 141, of the General Laws of the Regular Session of the Thirty-fifth Legislature, which was an act amending Articles 1521, 1522, 1543, 1544 and 1526, of Revised Civil Statutes of 1911, defining the original and appellate jurisdiction of the Supreme Court of Texas and regulating the practice therein."

The bill was read second time.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 65 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Articles 1521 and 1522, Revised Civil Statutes of 1911, be amended so as hereafter to read as follows:

Article 1521. The Supreme Court shall have appellate jurisdiction co-extensive with the limits of the State, which shall extend to all questions of law arising in cases of which the courts of civil appeals have appellate jurisdiction in the following cases when same have been brought to the courts of civil appeals by writ of error or appeal from final judgment of trial courts:

1. Those in which the judges of the courts of civil appeals may disagree upon any question of law material to the decision.

2. Those in which one of the courts of civil appeals holds differently from a prior decision of its own or of another court of appeals, or of the Supreme Court upon any such question of law. In all causes coming under this subdivision it shall be mandatory upon the Supreme Court to grant writs of error.

3. Those involving the construction or the validity of statutes.

4. Those involving the revenue laws of the State.

5. Those in which the Railroad Commission is a party.

Article 1522. In any case in any court of civil appeals in this State in which the amount in controversy in the trial court exceeds \$5,000.00; or in which the title and possession of real or personal property is involved and when the record from the trial court affirmatively shows the value thereof to exceed \$5,000.00 at the time of the trial in the trial court, it shall be competent for the Supreme Court to require, by certiorari, under such regulations as it may prescribe, upon the petition of any party thereto, any such case to be certified to the Supreme Court, for its review and determination of any question of law arising therein, and in any case within its appellate jurisdiction any court of civil appeals at any time may certify to the Supreme Court any question or proposition of law concerning which it desires the instruction of that court for its proper decision, and thereupon, whether on certiorari or certificate, the Supreme Court shall determine the above mentioned questions of law, and its determination of same shall be binding on the court of civil appeals. It shall be mandatory upon the courts of civil appeals to certify all causes coming under Subdivision 2 of Article 1521.

All causes mentioned in Article 1521 may be carried to the Supreme Court either by writ of error or by certificate from the court of civil appeals, and questions arising in causes not mentioned in Article 1521 shall be determined on certiorari to the court of civil appeals or on certificate from such court as herein provided, and such questions may be determined whether before or after the decision thereof in the court of civil appeals.

Sec. 2. Be it further enacted that this Act shall not affect any business which may be before the Supreme Court at that time, either as to the cases in which applications for writs of error have been granted or as to applications for writs of error theretofore filed, or as to matters then pending or thereafter filed with reference to any of such business; provided that if a judgment of the court of civil appeals shall be reversed and the cause remanded, such case shall thereafter proceed under the provisions of this Act.

Question—Shall the amendment be adopted?

EMPLOYEES OF THE HOUSE.

The Speaker announced appointment of the following committee clerks:

J. O. Coupland.
F. R. Smith.

ADJOURNMENT.

On motion of Mr. Darroch, the House, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, January 28, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 191, "An Act for the relief of railway corporations having charters amended since the first day of January, 1896, and which have failed to construct any extension, or any part thereof, authorized by said amendment or amendments, within the time required by law, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 11 o'clock a. m., presented same to the Governor for his approval.

ROBERT B. THRASHER,
Vice-Chairman.

SIXTEENTH DAY.

(Tuesday, February 1, 1921.)

The House met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Binkley.
Aiken.	Black, O. B.,
Baker.	of Bexar.
Baldwin.	Black, W. A.,
Barker.	of Bexar.
Barrett of Bell.	Bonham.
Bass.	Brady.
Beasley	Branch.
of Hopkins.	Brown.
Beasley	Bryant.
of McCulloch.	Burmeister.
Beavens.	Burns.